

DETAILED ACTION

1. Claims 12-14, 16, 18, 19, 22, and 23 are pending in the application.
2. In the prior action, the Final action mailed on May 20, 2009, claims 12-23 were pending in the application; with claims 14, 15, and 19-21 withdrawn from consideration; claims 12, 13, and 16-18 under consideration and rejected; claim 23 objected to; and claim 22 indicated to be allowable.
3. In the After-Final amendment of September 11, 2009, the Applicant amended claims 12, 14, 16, 18, 19, and 23; and cancelled claims 17 and 21.
4. Upon, the entry of the Examiner's Amendment below, canceling claims 15 and 20, claims 12-14, 16, 18, 19, 22, and 23 will be pending in the application and allowed.

EXAMINER'S AMENDMENT

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ryan R. Brady on October 7, 2009.

The application has been amended as follows:

Claims 15 and 20 are cancelled from the application.

These claims are cancelled as they appear to read on subject matter requiring the provision of a biological deposit, which deposit has not been provided by the Applicant.

Claim Objections

6. **(Prior Objection- Withdrawn)** Claims 12, 18, and 23 were objected to because of the following informalities: the claims identify various proteins and viruses by acronyms without first providing the full name of the protein or virus. In view of the amendments to the claims, the objection is withdrawn.

Claim Rejections - 35 USC § 112

7. **(Prior Rejection- Withdrawn)** Claims 12, 13, and 16-18 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 16 was rejected under 35 U.S.C. 112, first paragraph, as lacking enabling support for the use of the claimed antibodies to treat any disorder associated with the endogenous MSRV viruses. In view of the amendments to the claims, the rejections are withdrawn.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachariah Lucas whose telephone number is (571)272-0905. The examiner can normally be reached on Monday-Friday, 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary B. Nickol can be reached on 571-272-0835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Zachariah Lucas/
Primary Examiner, Art Unit 1648